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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,260	12/09/2005	Dorotea Raventos Segura	10328.204-US	9630

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NOVOZYMES NORTH AMERICA, INC.
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NEW YORK, NY 10110

EXAMINER

KAM, CHIH MIN

ART UNIT	PAPER NUMBER
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1656

NOTIFICATION DATE	DELIVERY MODE
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11/20/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Patents-US-NY@novozymes.com

Office Action Summary	Application No. 10/560,260	Applicant(s) SEGURA ET AL.	
	Examiner CHIH-MIN KAM	Art Unit 1656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-86 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 80-86 is/are allowed.
- 6) ☒ Claim(s) 40-79 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/18/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Claims

1. Claims 40-86 are pending.

Applicants' amendment filed August 11, 2009 is acknowledged. Applicants' response has been fully considered. Claims 27-39 have been cancelled, and new claims 40-86 have been added. Therefore, claims 40-86 are examined.

Withdrawn Claim Objections

2. The previous objection to claim 28 is withdrawn in view of applicants' cancellation of the claim in the amendment filed August 11, 2009.

Withdrawn Claim Rejections - 35 USC § 101

3. The previous rejection of claims 27-38 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, is withdrawn in view of applicants' cancellation of the claims, and applicants' response at page 16 in the amendment filed August 11, 2009.

Withdrawn Claim Rejections - 35 USC § 112

4. The previous rejection of claims 28-31 under 35 U.S.C. 112, first paragraph, written description, is withdrawn in view of applicants' cancellation of the claims, and applicants' response at pages 16-17 in the amendment filed August 11, 2009.

5. The previous rejection of claim 39 under 35 U.S.C. 112, second paragraph, is withdrawn in view of applicants' cancellation of the claims, and applicants' response at page 17 in the amendment filed August 11, 2009.

Withdrawn Claim Rejections - 35 USC § 102

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6. The previous rejection of claim 28, under 35 U.S.C. 102(b) as being anticipated by Tossi *et al.* (Eur. J. Biochem. 250, 549-558 (1997)), is withdrawn in view of applicants' cancellation of the claim, and applicants' response at page 18 in the amendment filed August 11, 2009.

Maintained Informalities

The disclosure is objected to because of the following informalities:

7. The specification recites the amino acid sequence of G-X₁-X₂-X₃-R-X₄-X₅-X₆-K-I-X₇-X₈-K-X₉-X₁₀-K-X₁₁-X₁₂-X₁₃-X₁₄-I-K-X₁₅-X₁₆-X₁₇-X₁₈-L-V-P at page 1, which appears to be SEQ ID NO:1. However, X₅ (position 7) of this sequence is defined to be R, K, W or G at page 1, which is different from the SEQ ID NO:1 in the Sequence Listing, which has R, W or G, not K at position 7. Appropriate correction is required.

8. The specification recites amino acid sequences, for example, at pages 1, 4, 5 and 6 without providing sequence identifiers "SEQ ID NO:". One of the sequences, G-X₁-X₂-X₃-R-X₄-X₅-X₆-K-I-X₇-X₈-K-X₉-X₁₀-K-X₁₁-X₁₂-Z is not listing in the Sequence Listing. If this sequence is a fragment of another sequence, e.g., SEQ ID NO:1, then this sequence can be indicated as residues 1-19 of SEQ ID NO:1. Applicant must comply with the requirements of sequence rules (37 CFR 1.821-1.825) to include all the sequences in the sequence listing. Appropriate correction is required.

Response to Arguments

Applicants indicate the sequence of G-X₁-X₂-X₃-R-X₄-X₅-X₆-K-I-X₇-X₈-K-X₉-X₁₀-K-X₁₁-X₁₂-Z is a fragment of SEQ ID NO:1, therefore, it is not required to be listed in the sequence listing.

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Applicants' response has been considered, however, the argument is not found fully persuasive because while this sequence (when Z is R) is a fragment of SEQ ID NO:1, it should be indicated as "residues 1-19 of SEQ ID NO:1", it is not correct to use just "SEQ ID NO:1", since SEQ ID NO:1 has 29 amino acid residues, while G-X₁-X₂-X₃-R-X₄-X₅-X₆-K-I-X₇-X₈-K-X₉-X₁₀-K-X₁₁-X₁₂-Z (when Z is R) has only 19 residues. However, when Z is X₁₃-X₁₄-I-K-X₁₅-X₁₆-X₁₇-X₁₈-L-V-P, the sequence is not a fragment of SEQ ID NO:1.

New Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 40-79 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claims 40-59 are indefinite because the claims recite the amino acid sequence of G-X₁-X₂-X₃-R-X₄-X₅-X₆-K-I-X₇-X₈-K-X₉-X₁₀-K-X₁₁-X₁₂-X₁₃-X₁₄-I-K-X₁₅-X₁₆-X₁₇-X₁₈-L-V-P (SEQ ID NO:1), where Xaa at position 7 is Arg, Lys, Trp or Gly, which is different from the sequence of SEQ ID NO:1 in the Sequence Listing, which has Arg, Trp or Gly, not Lys at position 7.

Therefore, it is not clear whether Xaa at position 7 is Arg, Lys, Trp or Gly, or it is Arg, Trp or Gly. Claims 41-59 are included in the rejection because they are dependent on a rejected claim and do not correct the deficiency of the claim from which they depend.

10. Claims 60-79 are indefinite because the claims recite the amino acid sequence of Gly-X_{aa}-X_{aa}-X_{aa}-Arg-X_{aa}-X_{aa}-X_{aa}-Lys-Ile-X_{aa}-X_{aa}-Lys-X_{aa}-X_{aa}-Lys-X_{aa}-X_{aa}-X_{aa} (SEQ ID NO:1),

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where Xaa at position 7 is Arg, Lys, Trp or Gly, which is different from the sequence of SEQ ID NO:1 in the Sequence Listing, which has 29 amino acid residues in the sequence and has Arg, Trp or Gly, not Lys at position 7. Therefore, it is not clear whether Xaa at position 7 is Arg, Lys, Trp or Gly, or it is Arg, Trp or Gly, or whether SEQ ID NO:1 has 29 or 19 amino acid residues. Claims 61-79 are included in the rejection because they are dependent on a rejected claim and do not correct the deficiency of the claim from which they depend.

Conclusion

11. Claims 40-79 are rejected; and it appears that claims 80-86 are free of art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Min Kam whose telephone number is (571) 272-0948. The examiner can normally be reached on 8.00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Wang can be reached at 571-272-0811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Chih-Min Kam/

Primary Examiner, Art Unit 1656

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CMK

November 13, 2009